



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
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MEETING DATE February 20, 2015		CONTACT/PHONE Megan Martin mamartin@co.slo.ca.us (805) 781-4163		APPLICANT Lucas Smith		FILE NO. DRC2014-00035	
EFFECTIVE DATE March 6, 2015							
SUBJECT Request by Lucas Smith for a Minor Use Permit to allow a modification of the distance requirement which states that a secondary dwelling shall be located no more than 250 feet of the primary residence. The applicant is proposing to locate the residential secondary dwelling 330 feet from the primary residence on an existing building pad. The proposed project is within the Residential Rural land use category and is located at 358 East Ormonde Road, approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay Inland sub area of the South County Planning Area.							
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00035 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION Class 3 and 5 Categorical Exemptions (ED14-120) were issued on November 14, 2014.							
LAND USE CATEGORY Residential Rural		COMBINING DESIGNATION None applicable.		ASSESSOR PARCEL NUMBER 044-371-035		SUPERVISOR DISTRICT(S): 3	
PLANNING AREA STANDARDS: None applicable Does the project meet applicable Planning Area Standards: None applicable							
LAND USE ORDINANCE STANDARDS: Section 22.10.090 – Height Measurement and Height Limit Exceptions Section 22.10.140 – Setbacks Section 22.30.470 – Residential – Secondary Dwellings Does the project conform to the Land Use Ordinance Standards: Yes - see discussion							
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on March 6, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.							
EXISTING USES: Single family residence							
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural / Residential South: Residential Rural / Residential East: Residential Rural / Residential West: Residential Rural / Residential							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242							

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, and Cal Fire	
TOPOGRAPHY: Gently to moderately sloping	VEGETATION: Oaks and scattered grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: November 14, 2014

DISCUSSION

PROJECT HISTORY

The site is currently developed with a 3,657 square foot single family residence with a 600 square foot attached garage, 795 square foot deck and an 848 square foot covered porch (PMT2013-01322). In 2012 a construction permit for a 3,000 square foot metal ag building was issued (PMT2012-01372). In 2013, a construction permit was issued for the demolition of a mobile home on the site (PMT2013-01366).

PROPOSED PROJECT

The proposed project includes a request to modify the maximum allowable distance that a secondary dwelling may be located from a primary residence. The applicant is proposing to construct a two-story, 1,200 square foot secondary dwelling approximately 330 feet south of an existing primary residence. The secondary dwelling will include 1,200 square feet of habitable living space and an attached 594 square foot garage, a 437 square foot covered deck, and a 1,053 square foot uncovered deck. The proposed structure will be approximately 25 feet above ground surface.

LAND USE ORDINANCE STANDARDS

Section 22.10.090 – Height Measurement and Height Limit Exceptions

The maximum height for new structures in the Residential Single Family, Rural, and Suburban land use categories is 35 feet above average natural grade.

Staff Response: The proposed project complies with this standard. The proposed dwelling will be a two-story unit at a height of approximately 25 feet above average natural grade.

Section 22.30.470 – Residential – Secondary Dwellings

A secondary dwelling shall be accessory to the primary dwelling and shall not be established on any site containing a guesthouse or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary unit in compliance with the section. No secondary dwelling shall be approved in compliance with the section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Chapter 22.10.

Staff Response: The proposed project complies with these standards. The secondary dwelling will be accessory to the primary dwelling. As conditioned, the applicant will be required to record a notice against the property notifying any subsequent purchaser to meet all requirements of this section prior to final inspection.

Section 22.30.470(C) – Limitations on location. A secondary dwelling shall not be allowed within the following areas: (1) where secondary units are deemed incompatible with existing development, or (2) where the density increase from secondary units would create adverse cumulative effects on essential community services and natural features.

Staff Response: The secondary dwelling will be located in a low density residential area in the residential rural land use category. Allowance of the proposed secondary unit would be consistent with surrounding density and existing development. The secondary dwelling would not create adverse cumulative effects on essential community services or natural features because the unit will utilize an on-site well and a new septic system for its services. The dwelling will be placed on top of an existing concrete pad thereby minimizing impacts to natural features.

Section 22.30.470(E) – Minimum site area. A secondary dwelling may be allowed on one acre (net) where on-site water supply and sewage disposal systems are proposed on the existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling, and any on-site and off-site water wells are satisfied. Any and all other applicable provisions of Title 19 of this Code for septic system design and performance must be adhered to.

Staff Response: The proposed project complies with these standards. The lot is approximately 10 acres with an existing water well and sewage system on site serving an existing single family residence. The secondary dwelling will utilize the on-site well for water and an individual on-site system for sewage. A well test and inspection report were completed for the on-site well (Mello & Sons, 2012); the well appears to be in good running condition.

Section 22.30.470(F) – Design standards.

(1) The following apply to all land use categories where secondary dwellings are allowed:

SIZE OF LOT	MAXIMUM SIZE OF UNIT	TYPE OF ROAD SURFACE	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. – 1 acre	800 square feet	Paved	50 feet
>1 acre – 2 acres	800 square feet	Chip seal	50 feet
>2 acres	1,200 square feet	Chip seal	250 feet

Staff Response: The proposed project partially complies with these standards. The applicant is proposing a 1,200 square foot secondary dwelling to be located approximately 330 feet away from the main residence on a 10 acre lot. There is already a graded building pad with access on the site suitable for the secondary residence which decreases the need for additional grading and ground disturbance on the site. The proposed project does not comply with the maximum distance a secondary may be located from a primary unit, however, the maximum distance a secondary dwelling may be allowed may be waived through the minor use permit process. 'Exceptions to Design Standards' discusses this in further detail below.

(2) Driveways. The driveways serving the primary and secondary dwelling shall be combined where possible.

Staff Response: The proposed project complies with this standard. The secondary dwelling will use the existing access driveway to the main residence which has an existing access driveway already to the building pad.

(3) Within urban and village reserve lines.

Staff Response: This section of the ordinance is not applicable to the proposed project because it is outside of the urban reserve line.

(4) Exceptions to design standards. The Review Authority may approve alternatives to the design standards of Subsection F in compliance with Section 22.62.050, but shall not approve alternatives to any other provisions of this Section. The maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

- a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:
 - i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
 - ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.
 - iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.
 - iv. Archaeological resources

Staff Response: The proposed project complies with this standard. The applicant has requested to locate the secondary unit approximately 330 feet from the primary residence. The proposed project is within an area that has the potential to host Pismo clarkia listed by the State of California as a rare plant and by the Federal Government as an endangered plant. Slopes on the site average 16% and range from gently sloping to moderately sloping. The applicant is proposing to utilize an existing concrete pad on the project site with an existing access driveway. Using the concrete pad and existing driveway minimizes the amount of disturbance along slopes and potential to impact any sensitive vegetation that could be on site. There is sufficient information to make the required findings to approve a modification to the distance standard to allow for the secondary dwelling to be located 330 feet from the main residence.

(5) Parking. A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence by Chapter 22.18. The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

Staff Response: The proposed project complies with this standard. The secondary dwelling is proposing two parking spaces within a garage.

(6) Garage/workshop. The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

Staff Response: The proposed project complies with this standard. The proposed garage is attached and approximately 594 square feet, less than 50 percent of the size of the secondary dwelling.

AGENCY REVIEW:

Public Works – No concerns.

Building Division – Applicable Building Division conditions are included in Exhibit B – Conditions of Approval.

Cal Fire – No significant concerns relative to the request. A fire safety plan shall be required during the building permit process.

Staff Response: As conditioned, the applicant is required to obtain a Fire Safety Plan at the time of application for construction permits.

LEGAL LOT STATUS:

The one existing parcel was legally created by a recorded map, Parcel Map CO 75-299, Parcel #B (Book 19 of Parcel Maps, Page 82) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.